

Town Board Minutes

March 17, 2008

Meeting No. 10

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 17th day of March 2008 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM, COUNCIL MEMBER
DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: DONNA STEMPIAK, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
DAVID MARRANO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- wetland delineation regarding Upstate Rebar site plan proposal

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- assessment matters regarding condominiums
- assessment exemptions
- Lancaster Rural Cemetery

Kerchoff, Dave, 37 Shadyside Lane, spoke to the Town Board on the following matter:

- parking issues on Shadyside Lane & Pheasant Run Lane.

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matters:

- parking on Lake Avenue in the Village of Lancaster
- plumbing in the Town Hall

Howell, Gary, 48 Park Blvd, spoke to the Town Board on the following matter:

- condominium status tax exemption of New York State

Bow, Robert, 4751 William Street, spoke to the Town Board on the following matter:

- proposed rezone of property at 4745 William Street

Schneeggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matter:

- Cross Creek Subdivision

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster regarding stop and yield intersections within Countryside Subdivision.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Diane Sagliani	20 Quail Hollow	Proponent

ON MOTION BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 8:31 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

March 17, 2008

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
March 3, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2008

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the University at Buffalo is a member of the prestigious Association of American Universities, and

WHEREAS, the University at Buffalo is the largest and most comprehensive campus in the 64 campus State University of New York System, and

WHEREAS, the University at Buffalo’s student body is over 28,000 students and employs over 11,700 people, and

WHEREAS, the University at Buffalo is a comprehensive, research intensive public university dedicated to excellence, and

WHEREAS, the University at Buffalo spends more than \$267 million annually on research, in search of knowledge that will lead to new cures and therapeutics, faster computers, smarter software, smaller machines, and thousands of other life improvements, and

WHEREAS, the University at Buffalo is redefining its role as a major public research university with its UB 2020 initiative, and

WHEREAS, UB 2020 aims to increase the student body to 37,000 and employ 19,781 people in the Buffalo Niagara region, and

WHEREAS, UB 2020 will increase the economic impact of the university by over \$1 billion to over \$2.6 billion by the year 2020, and

WHEREAS, the University at Buffalo has a comprehensive plan to become one of the top research universities in the country and leader in the world and greatly improve the economy and community in Western New York, and

WHEREAS, an affinity group, the UB Believers, has been created to demonstrate community support for the ambitious goals of the University at Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the members of this body support the goals and spirit of UB 2020, and

BE IT FURTHER

RESOLVED, that Western New York, the State of New York and the Town of Lancaster will benefit from the ambitious goals of the University at Buffalo 2020 plan, and

BE IT FURTHER

RESOLVED, that the growth of the University at Buffalo is a top priority of the Town of Lancaster and this body encourages elected officials and citizens across New York State to support the University at Buffalo by learning more about UB 2020 and by becoming a “UB Believer” today by visiting <http://ubbelievers.buffalo.edu>.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER AMATURA, TO WIT:

WHEREAS, a vacancy exists in the position of Clerk, permanent, part time in the Town Clerk’s Office, and

WHEREAS, the Town Clerk of the Town of Lancaster has recommended the appointment of Jillian Bascom, 10 Garfield Street, Lancaster, New York to fill the vacant position of Clerk, permanent, part time in the Town Clerk’s Office.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

SECTION 1: that Jillian Bascom, 10 Garfield Street, Lancaster, New York, be and is hereby appointed to the position of Clerk, permanent, part time, in the Office of the Town Clerk, working not more than nineteen and one-half (19½) hours per week.

SECTION 2: That Jillian Bascom be compensated on-step in accordance with the following schedule:

- Full - \$14.02
- 90% - 0-910 hrs. cumulative service in Town Clerk’s Office: \$12.62/ hour
- 95% - 911-1820 hrs. cumulative service in Town Clerk’s Office: \$13.32/ hour
- 100% - greater than1820 hrs. cumulative service in Town Clerk’s Office: \$14.02 /hour

SECTION 3: That this appointment be effective March 20, 2008.

SECTION 4: That this appointment, being a part time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Section 1225-c of the Vehicle and Traffic Law of the State of New York provides that no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion, and

WHEREAS, there have been instances throughout the State of New York where operators of motor vehicles are text messaging while driving and cause an accident, and

WHEREAS, the Lancaster Town Board feels that the State Legislature should adopt an amendment to the Vehicle and Traffic Law to prohibit operators of motor vehicles from text messaging while they are driving, and

WHEREAS, bills have been proposed in the State Assembly and Senate to prohibit operators of motor vehicles from using a mobile telephone for writing, sending, or reading a text message while such vehicle is in motion, and

WHEREAS, the Lancaster Town Board feels that this proposed legislation is desirable to avoid any further accidents,

NOW, THEREFORE, BE IT

RESOLVED, that the Lancaster Town Board hereby memorializes the State Assembly, Senate and Governor to enact legislation to prohibit text messaging while operating a motor vehicle, and

BE IT FURTHER

RESOLVED, that the Lancaster Town Clerk be and is hereby directed to forward certified copies of this resolution to Senator Dale Volker, Assemblyman Dennis Gabryszak and Governor David Paterson, and

BE IT FURTHER

RESOLVED, that the Lancaster Town Clerk be and is hereby directed to forward copies of this resolution to the Town Clerks of the towns in Erie County requesting them to support this resolution.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, PLEASANT MEADOWS ASSOCIATES, LLC, 2730 Transit Road, West Seneca, New York, the owner of a parcel of land located on 3798, 3830, 3840, 3850 and 3860 Walden Avenue, Lancaster, New York, has petitioned the Town Board of the said Town for the rezone of said property from a Residential Commercial Office District (RCO) to Neighborhood Business District (NB), and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 7th day of April, 2008, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on March 20, 2008 and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2008

**LEGAL NOTICE
PUBLIC HEARING
3798, 3830, 3840, 3850 AND 3860 WALDEN AVENUE
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on March 17, 2008, the said Town Board will hold a Public Hearing on the 7th day of April, 2008 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from a Residential Commercial Office District (RCO) to Neighborhood Business (NB), and:

3798, 3830, 3840, 3850 AND 3860 WALDEN AVENUE

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie State of New York, being part of Lots 7 and 9, Section 8, Township 11, Range 6 of the Holland Land Survey (so-called) bounded and described as follows:

BEGINNING AT A POINT of intersection of the northerly boundary line of Walden Avenue with the easterly line of lands conveyed to Pleasant Meadows Associates, LLC by Deed recorded in Liber 11012 of Deeds at page 165;

THENCE: Along the northerly boundary line of Walden Avenue the following three (3) courses and distances:

- 1.) S-78°-10'-26"-W, a distance of 233.59 feet to a point;
- 2.) S-77°-50'-53"-W, a distance of 1,250.63 feet to a point;
- 3.) S-78°-08'-04"-W, a distance of 91.23 feet to a point;

THENCE: Through said Pleasant Meadows Associates, LLC lands the following six (6) courses and distances:

- 1.) N-00°-15'-58"-E, parallel with the westerly line of said Pleasant Meadows Associates, LLC lands distant 100.00 feet easterly therefrom as measured at right angles a distance of 628.48 feet to a point;
- 2.) N-84°-11'-02"-E, a distance of 254.25 feet to a point;
- 3.) N-53°-16'-58"-E, a distance of 524.40 feet to a point;
- 4.) N-87°-49'-28"-E, a distance of 715.00 feet to a point;
- 5.) N-55°-39'-40"-E, a distance of 135.00 feet to a point;
- 6.) S-89°-05'-55"-E, a distance of 50.00 feet to a point on the easterly line of said Pleasant Meadows Associates, LLC lands;

THENCE: S-00°-54'-05"-W, along said easterly line, a distance of 740.46 feet to the POINT OR PLACE OF BEGINNING containing 25.506 acres be the same more or less;

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

March 17, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster by resolution dated January 7, 2008 approved the final plat for the proposed 264 single family residential subdivision located on Pleasant View Drive and Pavement Road known as “Cross Creek Subdivision” prepared by Greenman-Pederson, Inc. Consulting Engineers dated October 31, 2007, and

WHEREAS, the map cover was thereafter duly filed in the Erie County Clerks Office and became a map cover of record, and

WHEREAS, the developer, RJF Development Company, 2635 Millersport Highway, Getzville, New York 14086 has now requested that the Town Board accept an amended plat map dated February 19, 2008 which amends the original map cover by revising the New York State Electric and Gas easement from 50' to 100', this revision will eliminate two lots from the original plat plan, and

WHEREAS, the Town Consulting Engineer, William Schutt and Associates P.C. has reviewed and approved the revisions made to the amended plat map for this proposed subdivision, and

WHEREAS, the Town Board of the Town of Lancaster has duly reviewed and considered the amended plat map submitted for the proposed subdivision;

**NOW, THEREFORE, BE IT
RESOLVED, as follows:**

1. That the Town Board of the Town of Lancaster hereby approves the proposed single family residential subdivision amended map plat as prepared by Greenman-Pedersen, Inc. Consulting Engineers, dated February 19, 2008 and filed with the Town Clerk on March 12, 2008 for the subdivision known as “Cross Creek Subdivision” for refiling of the subdivision map cover in the Erie County Clerk’s Office upon the developer conforming to the following conditions:

a) The developer shall install at its expense sidewalks on the frontage of the subdivision on both Pleasant View Drive and Pavement Road;

b) The developer shall install concrete or asphalt T-turnarounds at its expense in the driveway of each subplot fronting on Pleasant View Drive and Pavement Road.

c) The developer shall cause monumentation of the boundary of any federal jurisdictional wetland or the 100' adjacent area of any designated NYS wetland affecting any portion of any subplot.

2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof .

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Superintendent Richard Reese in the Town of Lancaster Highway Department has requested that the Town Board authorize an invitation to bid for the demolition and replacement of box culverts on Siebert Road and Steinfeldt Road and associated roadway reconstruction, and

WHEREAS, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby directs that the attached notice to bidders be published in the Lancaster Bee, the Official Newspaper being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board to invite public bid for the demolition and replacement of box culverts on Siebert Road and Steinfeldt Road and associated roadway construction, said bids to be in conformance with the specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on the 10th day of April, 2008 and opened thereafter.

BE IT FURTHER

RESOLVED, that the resolution adopted by the Town Board of the Town of Lancaster on March 3, 2008 on this matter be rescinded.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2008

NOTICE TO BIDDERS

**FOR THE
TOWN LANCASTER
BOX CULVERT REPLACEMENT PROJECT
SIEBERT ROAD AND STEINFELDT ROAD**

NOTICE IS HEREBY GIVEN that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York 14086, no later than 10:00 A.M., Local Time, on the 10th day of April, 2008, and opened thereafter, for the demolition and replacement of box culverts on Siebert Road and Steinfeldt Road and associated roadway reconstruction, said bids to be in conformance with the specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086.

Contract Documents may be obtained at the office of the ENGINEER upon deposit of \$50.00 for each set in the form of two (2) \$25.00 checks made payable to the ENGINEER. If requested in writing, the ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the ENGINEER. The mailing date will be considered the bidder's date of receipt. Partial sets of Contract Documents will not be available.

Unsuccessful bidders who return full sets of documents in good condition within thirty (30) days of award of the contract will receive a full refund. Non-bidders will be refunded one-half of the document deposit upon return of full sets of contract documents within thirty (30) days of award of the contract.

Each bid proposal shall be submitted in a sealed envelope, clearly marked: "BID ENCLOSED - BOX CULVERT REPLACEMENT PROJECT SIEBERT ROAD AND STEINFELDT ROAD" and must be accompanied by a bid bond or a certified check made payable to the Town of Lancaster, in the amount of five per cent (5%) of the total amount of the bid.

The Town reserves the right to reject any and all bids, to consider the reputation and experience of any bidders in making its selection, to waive any informalities or minor deviations from the specifications, and to award the contract to other than the lowest bidder if considered to be in the best interest of the Town of Lancaster.

All bids shall be submitted intact on bidding form available for that purpose, and addressed to:

Johanna Coleman
Town Clerk
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Consulting Engineers:
William Schutt & Associates, P.C.
37 Central Avenue
Lancaster, NY 14086-2143
(716) 683-5961
Date: March 17, 2008

By the Order of the Town Board of
Lancaster, Erie County, New York

Johanna Coleman
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Salvatore M. Balesteri, 367 Linwood Avenue, Buffalo, New York 14209, has requested the Town Board of the Town of Lancaster accept work completed under Street Lighting Public Improvement within Roseland Subdivision, Phase I within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated March 7, 2008, has reported his favorable review for the acceptance of this public improvement.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Roseland Subdivision, Phase I be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 629 - Street Lights

and,

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2008

File: RPIP (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the New York State Liquor Authority requires that an establishment notify the Municipality in which they operate of an application for a liquor license thirty (30) days before it can be considered, and

WHEREAS, Raceway Entertainment LLC, d/b/a Lancaster Speedway (now Dunn Tire Raceway Park), 57 Gunnville Road, Lancaster, New York, by letter received March 6, 2008 in the Office of the Town Clerk of the Town of Lancaster, has indicated their intent to apply for a liquor license with the New York State Liquor Authority, and

WHEREAS, Raceway Entertainment LLC, d/b/a Lancaster Speedway (now Dunn Tire Raceway Park), 57 Gunnville Road, , Lancaster, New York has requested that the thirty (30) day statutory notification to the Town of Lancaster of an application for a liquor license to the New York State Liquor Authority be waived, and

WHEREAS, this waiver can only be granted by the Town Board in which the premises is located.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is authorized to notify the State Liquor Authority that required notification was received by the Town Clerk on March 6, 2008 , and

BE IT FURTHER

RESOLVED, that the Town Board hereby waives the thirty (30) day notification requirement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director of Administration and Finance, to wit:

Claim No. 1183 to Claim No. 1425 Inclusive
Total amount hereby authorized to be paid: \$2,959,519.25

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2008

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:
(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver.
(V/L) = Village of Lancaster

NEW PERMITS:			
15353	Pomietlarz, Larry	763 Schwartz Rd	Er. Res. Alt.
15354	Sun Enterprises	18 Beatrix Cir	Er. Shed
15355	Forbes-Capretto Homes	4 Muirfield Ln	Er. Dwlg.-Sin.
15356	Elegant Builders	18 Arrow Trl	Er. Res. Add.
15357	Marrano/Marc Equity	7 St Davids Rd	Er. Dwlg.-Sin.
15358	Marrano/Marc Equity	4 Sweet Brier Ct	Er. Dwlg.-Sin.
15359	Egger, William	95 Michael's Walk	Install Esc. Window
15361	Transit-Rehm Assoc.	6363 Transit Rd	Er. Sign-Temp
15362	Town & Country Builders	64 Simme Rd	Er. Dwlg.-Sin.
15363	Deltex Electric Inc	156 Sixth Ave	Inst. Generator (V/L)
15364	Rine, Patrick	592 Pleasant View Dr	Inst. Generator
15365	T.S. Schiffler Inc	28 Shadyside Ln	Er. Res. Add.

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2008

COMMUNICATIONS & REPORTS:

117. NYS DOT to Town Attorney -
Notice of Lead Agency designation regarding site plan for Upstate Rebar, LLC, Walden Avenue and Townline Road; comments noted. DISPOSITION = Planning Committee
118. NYS DOT to Town Attorney -
Notice of Lead Agency designation regarding site plan for Aldi's Food Store, 4937 Transit Road; comments noted. DISPOSITION = Planning Committee
119. NYS DOT to Town Attorney -
Notice of Lead Agency designation regarding site plan for proposed Retail Shopping Store, 4745 William Street; comments noted. DISPOSITION = Planning Committee
120. Erie County Division of Sewerage Management to Michael Alspaugh -
Comments regarding SEQR for proposed retail shopping store, 4745 William Street. DISPOSITION = Planning Committee
121. Erie County Department of Public Works to Town Attorney -
Comments and concerns regarding site plan for Town Homes at Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
122. Residents of Walden Trace Subdivision to Planning Board, Town Board -
Submission of petition objecting to proposed rezoning of parcels east of Walden Trace Subdivision. DISPOSITION = Received and Filed
123. Nicholas S. Hendel to Town Clerk -
Notice of application for liquor license for Hennessey's Bar & Grill. DISPOSITION = Town Attorney
124. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak -
Notice from Town Forestry Department of no issues regarding site plan of Upstate Rebar, LLC, Walden Avenue and Townline Road. DISPOSITION = Received and Filed
125. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak -
Notice from Town Forestry Department of no issues regarding revised site plan of Wehrle Corporate Center. DISPOSITION = Received and Filed
126. Town Clerk to Town Board -
Transmittal of first settlement of payment for 2008 County/Town Tax Warrant. DISPOSITION = Received and Filed
127. Town Clerk to Town Board -
Transmittal of monthly report for February 2008. DISPOSITION = Received and Filed
128. NYS DOT to Supervisor -
Letter regarding State Highway System issues. DISPOSITION = Received and Filed
129. New York State Coalition of Concerned Citizens to Town Board -
Letter regarding possible loss of Home Rule authority by local municipalities. DISPOSITION = Received and Filed
130. Erie County Department of Environment & Planning to Uniland Development Co. -
Letter regarding HUD Community Development Block Grant funding of Eastport Commerce Center. DISPOSITION = Town Attorney & Supervisor
131. Lipsitz Green Scime Cambria, LLP to Town Clerk
Notification of application for liquor license for Dunn Tire Raceway Park. DISPOSITION = Resolution 3/17/08
132. NYS Unified Court System to Court Clerk -
Notification of grant award for secured sound system at Town Court. DISPOSITION = Received and Filed
133. Erie County Division of Water Quality Management to Erie County Senior Planner -
Notice of no opposition to rezoning of parcels on Walden Avenue east of Walden Trace Subdivision. DISPOSITION = Planning Committee
134. Erie County Division of Public Works to Town Attorney -
Comments regarding Pleasant Meadows Subdivision 2. DISPOSITION = Planning Committee
135. Erie County Division of Public Works to Town Attorney -
Comments and concerns regarding proposed Aldi Food Store, William Street and Transit Road. DISPOSITION = Planning Committee
136. Village of Lancaster to Town Board -
Minutes of meeting held February 25, 2008. DISPOSITION = Received and Filed
137. Planning Board Chairman to Town Clerk -
Notice of fulfillment of state mandated training requirement. DISPOSITION = Received and Filed

138. Town Attorney to Town Board, Planning Board -
Notice of SEQOR meeting to be held Monday, March 17, 2008, 6:30 PM regarding Upstate Rebar, LLC, Walden Avenue and Town Line Road, and 81 & 3 of Florida rezone application for 4745 William Street. DISPOSITION = Received and Filed
139. Town Clerk to Various News Media -
Notice of SEQOR meeting to be held Monday, March 17, 2008, 6:30 PM regarding Upstate Rebar, LLC, Walden Avenue and Townline Road, and 81 & 3 of Florida rezone application for 4745 William Street. DISPOSITION = Received and Filed
140. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held March 5, 2008. DISPOSITION = Received and Filed
141. Planning Board to Town Board -
Recommend approval of rezone petition of Pleasant Meadows Associates for parcels on Walden Avenue east of Walden Trace Subdivision; conditions noted. DISPOSITION = Planning Committee
142. Planning Board to Town Board -
Recommend approval of site plan for Fluid Power Service Corporation, 4474 Walden Avenue; conditions noted. DISPOSITION = Planning Committee
143. Planning Board to Town Board -
Recommend approval of site plan of Upstate Rebar, LLC, s.w. corner of Walden Avenue and Townline Road; conditions noted. DISPOSITION = Planning Committee
144. Erie County Department of Environment & Planning to Supervisor, Town Board -
Notification of Lead Agency designation regarding proposed rezone of parcels on Walden Avenue east of Walden Trace Subdivision; comments and concerns noted. DISPOSITION = Planning Committee
145. Lancaster Town Band, Inc. to Supervisor -
Request use of Oxford Park and Youth Bureau facilities for summer concerts. DISPOSITION = For Resolution
146. Erie County Deputy Commissioner to Superintendent -
Notification of reappointment to Erie County Sewer District No. 4 Board of Managers. DISPOSITION = Received and Filed
147. Erie County Division of Sewerage Management to FRA Engineering, P.C. -
Request for additional information regarding Aldi's Food Store, 4937 Transit Road. DISPOSITION = Planning Committee
148. Hull House Foundation to Supervisor -
Request for 2008 budget appropriation. DISPOSITION = For Resolution
149. Wm. Schutt & Associates, P.C. to Town Attorney -
Transmittal of insurance certificates regarding professional services for Siebert Road & Steinfeldt Road Culvert Replacement Project. DISPOSITION = Received and Filed
150. Town of Collins to Town Board -
Transmittal of resolution opposing the amendment to the Real Property Tax Law and Village Law to replace elected assessors with appointed assessors. DISPOSITION = Received and Filed
151. NYS DEC to Town Attorney -
Notification of Lead Agency Designation regarding Pleasant Meadows Neighborhood Business Center, Walden Avenue east of Walden Trace Subdivision; comments & concerns noted. DISPOSITION = Planning Committee

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the meeting was adjourned at 9:13 P.M. in memory of Mary Kwak, John Bosse Jr. and Chad Kulpa

Signed _____
Johanna M. Coleman, Town Clerk

